

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**Lewis Brisbois Bisgaard
and Smith LLP,
Plaintiff,**

v.

**Michael Joseph Bitgood,
a/k/a/ “Michael Easton,” *et al.*
Defendants.**

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**Case Number:
4:22-cv-03279**

NOTICE OF JURISDICTIONAL OBJECTIONS

- 1. Susan C. Norman’s Objection to the Court’s
Failure to Acquire Jurisdiction over the Person
of Susan C. Norman and Proceeding with
The Preliminary Injunction Hearing**
 - 2. Request for Stay in Order to File a Petition for
Writ of Mandamus to the Fifth Circuit;
and**
 - 3. Because Personal Jurisdiction over the Person of
Purported Defendant, Susan C. Norman,
Has Not Been Acquired, Susan C. Norman Respectfully, And
Without Waiving Any Jurisdictional Objections,
Asserts Her Right to Not Participate
In The Preliminary Injunction Hearing**
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TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Susan C. Norman, Purported Defendant herein, and files her *Notice of Jurisdictional Objections: (1) Susan C. Norman's Objections To The Court's Failure to Acquire Jurisdiction over The Person of Susan C. Norman and Proceeding With The Preliminary Injunction Hearing; (2) Request for Stay In Order to File A Petition for Writ of Mandamus to the Fifth Circuit; and (3) Because Personal Jurisdiction over the Person of Purported Defendant, Susan C. Norman, Has Not Been Acquired, Susan C. Norman Respectfully, And Without Waiving Any Jurisdictional Objections, Asserts Her Right to Not Participate In The Preliminary Injunction Hearing*, and would respectfully show the Court as follows:

I. (1) Susan C. Norman's Objections To The Court's Failure to Acquire Jurisdiction over The Person of Susan C. Norman And Proceeding With The Preliminary Injunction Hearing

1. Susan C. Norman ("Norman") respectfully objects to the Court's proceeding to a hearing on the Plaintiff, *pro se's*, request for a preliminary injunction when the Court has not acquired jurisdiction over the person of Susan C. Norman:

- a. Plaintiff, *pro se*, has still not requested summons to be issued on Norman as heard by the Court on December 2, 2022, and as set out in her 12(b)(5), joined with 12(b)(2) motion heard on December 2, 2022, which remains un-ruled upon. Pursuant to *ABC Corp I. V. P'ship & Unincorporated Ass'ns Identified on Schedule "A,"* 51 F.4th 1365, 1371–72 (7th Cir., 2022); and *Rojas v. Carrington Mortg. Servs, LLC*, 2021 U.S. Dist. LEXIS 52943, *3; (SDTX 2021), the Court has not acquired jurisdiction over the person of Susan C. Norman.
- b. Previously filed, heard, and as yet un-ruled upon, are Norman's 12(b) jurisdictional motions which the Court heard on December 2, 2022, and took under advisement, to "rule expeditiously."
- c. Even if the Court had acquired jurisdiction over the person of Susan C. Norman—which it has not—the December 14, 2022, Case Manager's 3:23 p.m. email to Susan C. Norman fails to provide sufficient notice under F.R.C.P. 65a by giving notice that twenty-three (23) hours later on December 15 at 2:00 p.m., the preliminary injunction would be heard:

("Good afternoon, The Court will proceed with tomorrow's hearing. The hearing has been moved up to 2:00 p.m. . . .").
- d. Norman's appeal of this instant case has been preliminarily docketed at the Fifth Circuit under Case No. 22-20637 for the Notice of Appeal, Dkt. 72, filed on December 8, 2022, immediately after being notified on December 8, 2022, that the Court set the preliminary injunction hearing for

December 15, 2022, at 3:00 p.m.

**Norman's 12(b) Jurisdictional Motions
Are Yet Un-Ruled Upon**

2. The issue of the Court's rulings on Norman's pending 12(b) jurisdictional motions prior to any hearing on the preliminary injunction, as indicated by the Court on November 17, 2022, is crucial:

MS. NORMAN: I respectfully request the Court have the hearing first on the pending motions, because those will be dispositive of whether or not there even can be a preliminary injunction.

THE COURT: Which motion are you speaking of?

MS. NORMAN: The motions -- my 12(b)(1) motion. I have got eight separate issues in 12(b)(1). I have got 19 separate issues under 12(b)(6). And then plaintiff still has not -- the first thing that has to be dealt with, Your Honor, is complete immunity from suit, and I have briefed very thoroughly, contrary to other assertions to the Court -- under the judicial proceedings privilege, there is complete immunity from suit, and I respectfully request the Court deal with that first before having a hearing on preliminary injunctions.

THE COURT: Well, I will set those motions for the same day. If one of your motions is successful, then we can adjourn the hearing. But I will deal with those motions first, and then we can turn to the issue of preliminary injunction. Transcript Nov. 17, 2022, P 25, LL 7–24.

3. The Court set the hearing for December 2, 2022, to hear all pending jurisdictional motions. At the conclusion of the December 2, 2022, hearing of Norman's 12(b) motions the Court stated:

THE COURT: I wasn't prepared to rule today and I'm not going to rule today, **but I will rule expeditiously.**
Transcript Dec. 2, 2022, P 55, LL 24–25.

4. When the Court set the preliminary injunction hearing for December 15, 2022, (Dkt. 70) on the evening of December 8, 2022, there had been no ruling on Norman's 12(b) motions (Dkts. 35, 37, 39). Norman filed an immediate Notice of Appeal (Dkt. 72).

5. On December 12, 2022, the Fifth Circuit preliminarily issued Norman's case number, 22-20637.

6. As of 1:00 p.m., on December 15, 2022, the District Court has not yet determined its jurisdiction over (1) the person of Norman nor (2) subject matter jurisdiction as set out in Norman's Rule 12(b)(1) and 12(b)(6) motions. Pursuant to *Carswell II*, decided November 30, 2022, and previously provided to the Court (Dkt. 66), determining the trial court's jurisdiction is always first.

7. For all the reasons stated herein, Norman respectfully objects to the Court's holding the preliminary injunction hearing on December 15, 2022.

**II. Request for Stay In Order to File A
Petition for Writ of Mandamus to the Fifth Circuit**

8. Because Norman's motions on jurisdiction heard by the Court on December 2, 2022, are, as the Court indicated—dispositive:

If one of your motions is successful, then we can adjourn the hearing. Transcript Nov. 17, 2022, P 25, LL 23–24.

9. Because the issue of the District Court's jurisdiction over the person of Susan C. Norman—particularly with Plaintiff having failed to serve her—must be determined prior to the preliminary injunction hearing, Norman respectfully requests the Court stay its Notice of Setting of the Plaintiff, *pro se*'s, request for the preliminary injunction hearing set for December 15, 2022, in order that Norman may file her Petition for Writ of Mandamus with the Fifth Circuit.

**III. Because Personal Jurisdiction over the Person of
Purported Defendant, Susan C. Norman, Has Not Been
Acquired, Susan C. Norman Respectfully, And
Without Waiving Any Jurisdictional Objections, Asserts Her
Right to Not Participate In The Preliminary Injunction Hearing**

10. Susan C. Norman adopts and incorporates for all purposes as if set out verbatim herein her Rule 12(b) motions filed on November 2, 2022. In Dkt. 37 and 38 Norman asserted that the Court had not acquired personal jurisdiction over Norman's person due to no service of summons on her by Plaintiff, *pro se*.

11. Norman continues to assert, and does not waive, her multiple jurisdictional issues asserted in Dkt. 35, 39, 40, and 42.

12. The Docket of this Court reflects that as of 1:00 p.m. on December 15, 2022, there has been **no request by Plaintiff, *pro se***, to the Clerk of the Court **to issue summons on Norman**.

13. For all the reasons stated in ¶¶ 1–12, Susan C. Norman respectfully asserts her right not to participate in the preliminary injunction hearing when this Court has not acquired jurisdiction over the person of Susan C. Norman.

Respectfully submitted,

/s/ Susan C. Norman
Susan C. Norman, *pro se*
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Certificate of Service

I hereby certify that on the 15th day of December 2022, I electronically filed the foregoing document with the Clerk of the District Court through the ECF system and an email notice of the electronic filing was sent to all attorneys of record.

/s/ Susan C. Norman
Susan C. Norman, *pro se*